

OCT 21 2019

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY [Signature]  
DEPUTY CLERKUNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION

UNITED STATES OF AMERICA

V.

Cause No. MO:09-CR-302

GREGORY NATHANIEL JACKSON

MOTION TO RECONSIDER

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes GREGORY NATHANIEL JACKSON, Defendant,  
and files MOTION TO RECONSIDER revocation Sentence  
and show the following issues:

1. STBI-2. Reporting of Violations of Supervised Release (a) The Probation Officer shall promptly report to the court any alleged grade A or B violation. Probation Officer delay of 7 months to report violation violated due Process. The Timing of the violation violated Equal Protection. Under Statute class B violations must be reported.
2. February 2, 2018 A report on offender was sent to WESTERN DISTRICT OF TEXAS MIDLAND/ODESSA DIVISION and no action taken was signed by Judge Counts. Defendant Fifth and Fourteenth Amendment was violated based on several factors. Revocation which possibly can result in confinement for a length of time result in a grievous loss of liberty. Therefore, due process violated when defendant was unaware of the report being sent nor made aware that a decision of no action taken had been signed.
3. Warrant was signed on July 23, 2019 for same offense Judge Counts viewed on February 2, 2018 and no action taken was signed. Defendant believe

Equal Protection violation occurred along with due process violation.

4. Defendant was in County Jail on July 23, 2018 when Federal Warrant was issued. Defendant was unaware and was never informed warrant had been issued. Defendant due process was violated because had he had knowledge of Federal Warrant he still possessed several options regarding State Charge. Deprived of State Charge concurrent with Federal revocation being one.
5. October 9, 2019 Almost 2 yrs lapse Courts revisit and Sentence defendant on the same charges previously resulted in no action taken signed by Judge Courts. Defendant believe he should be protected under the same law that resulted in no action taken on February 2, 2018. Without a brief Summary of reason Court signed no action taken due process violation occurred because loss of liberty was an option.
6. Evidence was submitted in Court on 9.18.18 Probation office had received E-mail from defendant Attorney regarding pending State Case. Probation office and Court are aware case is still pending. Timing of revocation hearing <sup>and</sup> procedural fairness is not shown when defendant has waited since July 6, 2017 on a revocation that is more than likely to take place.
7. Evidence was submitted in Court on January 16, 2019 Defendant notified Probation Office that he had pled guilty to State charges if he could issue a warrant defendant would willingly turn himself in. Probation office did not notify Court of defendant admission this violates Equal Protection. Probation office has a obligation when a class A or B

violation has been made known. This Action also violated Due Process because defendant had options available at that time but has been deprived of them at this time. State Charge run Concurrent with Federal Violation is no longer available and violated Due Process.

8. Defendant reported to Probation Office on January 22, 2019 as requested by Probation Officer. No Warrant had been issued. Defendant had previously Confessed to a Crime Probation officer still failed to Submit A revocation request with this new information. Again violating Equal Protection and Due Process. This resulted in delay of Warrant being issued and <sup>Options</sup> ~~rights~~ as time run Concurrent in State with Federal Violation which is no longer available.

9. The Federal government delay in filing a revocation warrant deprived the defendant of the opportunity to have State Sentence run concurrent with federal revocation Sentence. State of Texas Court transcript in Cause No. D-17-1976-CR defendant Attorney was asked why should Courts not impose the 7yr Sentence and Accept the 2 yr offer as agreed upon before. Attorney States defendant was waiting on government to Issue Warrant but they failed to do so. State Time was going to run Concurrent to Federal Sentence. Government deprived defendant of that Option in Due Process Violation.

10. Defendant Attorney Raymond Fivecoat states Since he has been an attorney Serving in Midland/Odessa Court (defendant believe 15+ yrs.) he has never Seen a violation linger for this time period. Neither government or Courts denied this claim. The Western District of Texas Midland/Odessa Division Summons are given

Within 90 days of Class A or B violations. When the court shift from everyday procedure to one specific case of exception Equal Protection of law has been violated. Defendant is not allowed to have his revocation resolved in a timely manner while other offenders are allowed that opportunity. Seriously effect the fairness defendant on by the court <sup>(denies)</sup>.

11. The Courts delay in Revocation Violation deprived defendant of presenting evidence that was of great importance at that time that resulted in Due Process Violations. Defendant was indicted on State Charges for possession of Ecstasy or MDMA. However, defendant discovery States field test tested positive for meth. This was grounds for dismissal. Based on State Attorney Tony Chavez who has over 25 yrs in the federal revocation process in Odessa / midland Division defendant should weigh options how to proceed once revocation has taken place. Defendant argument at that time would of been without full knowledge of what defendant actually possessed if anything illegal at all what is defendant being charged for? Based on federal government determination defendant could move forward accordingly. If Courts decided to wait on Outcome of State, defendant would challenge the State Charge. Had government found defendant guilty and revoked probation State could dismiss charge, defendant could go to trial, or have State charge run concurrent with revocation.

12. Defendant was detained on June 1, 2019 for pending State charge. Defendant Attorney Submitted to Court for A bond around July 6, 2019 no federal Warrant had been issued but bond was denied by State Judge. Without Knowledge warrant had been issued for defendant he

pled guilty to State charge of A 2 yr Sentence because he was available for parole in 2 weeks due to the time period held in County Jail. Had the government made defendant aware of this warrant he could of filed motion to be taken into federal custody. Due Process Violation Occured. Defendant was deprived of option to have Sentence ran Concurrent and not notified of warrant in a timely manner.

13. The timing lapse government delayed in filing revocation deprived defendant to witnesses to speak on his behalf. Defendant had worked as a data Specialist for AF&T A position normally required 5 yr Experience defendant held in 9 months. Opportunity for position would be available if government modified Sentence below guidelines.

14. Judge Stated defendant letter stated he don't believe incarceration is necessary Since it has been 2 yrs Since violation Occured. Judge States he has to take the violation into account. Defendant ~~argues~~ argues that the Judge is being restricted by the Sentencing guideline and doesn't seem to be open to depart below it. Defendant argues Since 19 he has been on Federal Supervised release or in A Federal Prison. The longest Period defendant has been in Society is the 2yrs After revocation Occured. He had his first child in that time, started his own business along with 3 Contracts from All American Chevrolet, Lithia Toyota, and West Texas Nissan for the year 2020. If revocation is viewed as a breach of trust defendant has displayed Strong efforts to regain trust from government. Defendant believes Judge ~~should~~<sup>view</sup> revocation guidelines as mandatory not discretionary. This would violate Due Process and Equal Protection law.

WHEREFORE, PREMISES CONSIDERED, Defendant prays  
that the Court enters and Order 2 below guideline  
Sentence in this MOTION TO RECONSIDER.

Respectfully Submitted,

Gregory Nathaniel Jackson

Gregory Nathaniel Jackson 2775318P  
Rolling Plains Regional Jail Detention Center  
P.O. Box 847  
Taskell, Tx 79521

INMATE  
CORRESPONDENCE

RECEIVED

OCT 21 2019

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WESTERN DISTRICT OF TEXAS  
BY

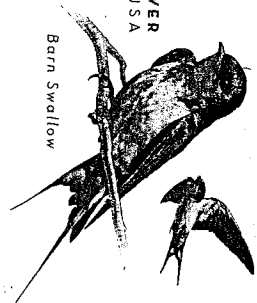
DEPUTY

United States District Court, Honorable Judge  
Mr. David Counts

200 E. Hall

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